IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 26802 of 2007(N)

AGAINST THE ORDER IN EP 42/2007 IN
OS.53/2000 of MUNSIFF COURT,MUVATTUPUZHA

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PETITIONER:

THOMAS,S/O. ITTAN, UTHIMALA HOUSE,
VADUTTUPARA KARA,KUTTUMPUZHA VILLAGE,
ERNAKULAM DIST.

BY ADV. SRI.ELDHOSE ELIAS

RESPONDENTS:

VARKEY, MUNIYACHERIL HOUSE,
200 ACRE KARA, MANNAMKANDAM VILLAGE,
ADIMALY.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 7/9/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J

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W.P.(C) No.26802 OF 2007

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Dated this the 7th day of September 2007

JUDGMENT

This writ petition is filed to set aside the order issuing warrant of arrest against the petitioner in E.P.No.42 of 2007 in O.S.No.53 of 2000 on the file of the Munsiff's Court, Muvattupuzha. Learned counsel for the petitioner submits that he had filed Ext.P6 petition to recall the warrant and permit the petitioner to pay the decree amount in instalments. The background of the case would reveal that on an earlier occasion, the order of arrest was set aside and the matter was sent back to the executing court to find out the means of the person and to dispose of the matter in accordance with law. Accordingly after enquiry, it is found that there is means and arrest had been ordered. Even without producing a copy of the order, he has moved for setting aside the warrant of arrest and further he wants the relief under instalment facility. I am not inclined to grant relief and therefore the writ petition is dismissed. But I make it clear that if he wants to challenge

the order, he may challenge the same after obtaining a copy as envisaged by law.

M.N.KRISHNAN, JUDGE

Cdp/-